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17 UNITED STATES DISTRICT COURT

18 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

19 WAYMO LLC,

20 CASE NO. 3:17-cv-00939-WHA

21 Plaintiff,

22 **PLAINTIFF WAYMO LLC'S
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL ITS OPPOSITION TO
DEFENDANTS' MOTION IN LIMINE
NO. 27 TO EXCLUDE PROF.
HESSELINK'S SAVED DEVELOPMENT
TIME OPINIONS**

23 vs.

24 UBER TECHNOLOGIES, INC.;
25 OTTOMOTTO LLC; OTTO TRUCKING
26 LLC,

27 Defendants.

28

Pursuant to Civil L.R. 7-11 and 79-5, Plaintiff Waymo LLC (“Waymo”) respectfully requests to file under seal portions of its Opposition to Defendants’ Motion in Limine to Exclude Prof. Hesselink’s Saved Development Time Opinions (“Waymo’s Opposition”) and exhibits thereto. Specifically, Waymo requests an order granting leave to file under seal the portions of the documents as listed below:

Document	Portions to Be Filed Under Seal	Designating Party
Waymo’s Opposition	Highlighted portions	Waymo
Exhibit 2 to Waymo’s Opposition	Entire document	Waymo and Defendant
Exhibit 3 to Waymo’s Opposition	Highlighted portions	Waymo
Exhibit 4 to Waymo’s Opposition	Entire document	Defendants
Exhibit 5 to Waymo’s Opposition	Entire document	Waymo and Defendant
Exhibit 7 to Waymo’s Opposition	Entire document	Waymo and Defendants
Exhibit 8 to Waymo’s Opposition	Entire document	Waymo and Defendants

I. LEGAL STANDARD

Civil Local Rule 79-5 requires that a party seeking sealing “establish[] that the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law” (*i.e.*, is “sealable”). Civil L.R. 79-5(b). The sealing request must also “be narrowly tailored to seek sealing only of sealable material.” *Id.* In the context of non-dispositive motions, materials may be sealed so long as the party seeking sealing makes a “particularized showing” under the “good cause” standard of Federal Rule of Civil Procedure 26(c). *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006) (quoting *Foltz v. State Farm Mutual Auto Insurance Co.*, 331 F.3d 1122, 1135, 1138 (9th Cir. 2003)).

II. DEFENDANTS’ CONFIDENTIAL INFORMATION

Waymo seeks to seal identified portions of these documents because Defendants have designated the information confidential and/or highly confidential. Declaration of Felipe Corredor (“Corredor Decl.”) ¶ 3. Waymo takes no position on the merits of sealing the designated material, and expects Defendants to file one or more declarations in accordance with the Local Rules.

1 **III. THE COURT SHOULD SEAL WAYMO'S CONFIDENTIAL INFORMATION**

2 The Court should seal the portions of Waymo's Opposition and exhibits thereto as identified
 3 by Waymo in the table above. Waymo seeks to file this information under seal because it discloses
 4 Waymo's trade secrets and confidential business information. *See Corredor Dec., ¶ 4.* Courts have
 5 determined that trade secret information merits sealing. *Music Grp. Macao Commercial Offshore Ltd.*
 6 v. *Foote*, No. 14-cv-03078-JSC, 2015 WL 3993147, at *1 (N.D. Cal. June 30, 2015) (quoting
 7 *Kamakana*, 447 F.3d at 1179); *see also Brocade Commc'n Sys., Inc. v. A10 Networks, Inc.*, No. C 10-
 8 3428 PSG, 2013 WL 211115, at *1, *3 (N.D. Cal. Jan. 17, 2013) (granting request to seal document
 9 that "consists entirely of descriptions of Brocade's trade secrets."). Waymo seeks to seal trade secret
 10 information that fit squarely within these categories. Corredor Dec. ¶ 4. Waymo maintains this
 11 information as a trade secret (*see* Dkt. 25-31) and ensures the information remains secret with strict
 12 secrecy and security protocols (*see* Dkt. 25-47; Dkt. 25-49.). *Id.* Waymo has narrowly tailored its
 13 requests to only information meriting sealing. *Id.* The disclosure of Waymo's trade secrets would
 14 harm Waymo. Corredor Dec. ¶ 4. Moreover, the scope of information that Waymo is seeking to seal
 15 is consistent with other administrative motions to seal that have already been granted by the Court in
 16 this case. (*See* Dkt. 681.) Thus, the Court should grant Waymo's administrative motion to seal.

17 **IV. CONCLUSION**

18 In compliance with Civil Local Rule 79-5(d), redacted and unredacted versions of the
 19 above listed documents accompany this Administrative Motion. For the foregoing reasons,
 20 Waymo respectfully requests that the Court grant Waymo's administrative motion to file under
 21 seal.

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 23 DATED: November 20, 2017

QUINN EMANUEL URQUHART & SULLIVAN,
 LLP

24
 25 By /s/ Charles Verhoeven

26 Charles Verhoeven
 27 Attorneys for WAYMO LLC